

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

In re)
)
Michael Edward Block and)
Caryn Michele Block)
)
Debtors.) Case No. 09-16786-SSM
) Chapter 13
)
)
Michael Edward Block and)
Caryn Michele Block)
)
Plaintiffs)
)
v.)
)
BAC HOME LOANS SERVICING, LP,) Adv. Pro. No. 09-01454-SSM
)
BROKER SOLUTIONS, INC.)
d/b/a **NEW AMERICAN FUNDING,**)
)
and)
)
MORTGAGE ELECTRONIC)
REGISTRATION SYSTEMS, INC.))
)
Defendants)
)
)

DEFAULT JUDGMENT AVOIDING LIEN ON DEBTOR'S RESIDENCE

Having considered Plaintiffs' Motion for Entry of Judgment by Default, and it appearing that the Defendants' default has been entered by the Clerk and that proper service of the Summons and Complaint has been made, it is, pursuant to 11 U.S.C. § 506 and for the reasons set forth in *Dean v. LaPlaya Inv., Inc. (In re Dean)*, 319 B.R. 474 (Bankr. E.D. Va. 2004); *Pond v. Farm Specialist Realty (In re Pond)*, 252 F.3d 122, 126, 127 (2nd Cir.

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2001); *In re McDonald*, 205 F.3d 606 (3rd Cir. 2000), by the United States Bankruptcy Court for the Eastern District of Virginia,

ORDERED, ADJUDGED AND DECREED that the claim of Defendants (Claim #17) be and is hereby deemed wholly unsecured; and it is further

ORDERED, ADJUDGED AND DECREED, that at such time as the Plan is completed in this case, the lien held in favor of Defendants on debtors' real property described as: 10844 Spencer St, Bealeton, VA 22712, having a legal description of:

ALL that certain lot or parcel of land together with improvements thereon, situate, lying and being in Fauquier County, in the Commonwealth of Virginia, and more particularly described as follows:

Lot 75, Phase 3. BEALETON STATION, as the same appears duly dedicated, platted and recorded in Deed Book 1038 at Page 2343 and in Plat Book 1038 at Page 2319, among the land records of Fauquier County, Virginia.

BEING the same real estate conveyed to Michael E. Block and Caryn M. Block, husband and wife, as tenants by the entirety with the right of survivorship as at common law, by deed from Washington Homes, Inc. of Virginia, also known of record as Washington Homes, Inc., a Virginia corporation, dated January 30, 2004, recorded February 2, 2004, in the Clerk's Office, Circuit Court, Fauquier County, Virginia, in Deed Book 1081, Page 611.

PIN No. 6899-44-5881-000

established by Deed of Trust dated August 31, 2006 and recorded on November 14, 2006 in Deed Book 1241 Pg. 1737-45, in the Fauquier County Land Records, to Palma J. COLLINS as Trustee, shall be void.

Dated: _____

Stephen S. Mitchell
U.S. Bankruptcy Judge

Entered on Docket: _____

WE ASK FOR THIS:

/s/Daniel M. Press
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Local Rule 9022-1(C) Certification

The foregoing Order was endorsed by and/or served upon all necessary parties pursuant to Local Rule 9022-1(C).

/s/Daniel M. Press
Daniel M. Press

Copies to:

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Brian T. Moynihan, President
Bank of America, N.A.
As Managing Member of BAC GP, LLC
As General Partner of BAC HOME LOANS SERVICING, LP
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/s/Daniel M. Press
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